

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 11-CV-11432
Honorable Thomas L. Ludington

DARRIN C. DARGA,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on the report and recommendation (ECF No. 9) issued by Magistrate Judge Charles E. Binder on September 19, 2011, on Plaintiff's motion to for summary judgment (ECF No. 7). Judge Binder recommends that the Court grant Plaintiff's motion for summary judgment on the amount due on a promissory note allegedly executed in 2000 by Defendant to secure a Direct Consolidation Loan from the U.S. Department of Education. Judge Binder recommends that the Court grant Plaintiff's motion because it has met its burden of establishing that Defendant endorsed a promissory note of which Plaintiff is the present owner and that the note is in default.

As of today's date, no party has filed any objections to Judge Binder's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation (ECF No. 9) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment (ECF No. 7) is **GRANTED**.

It is further **ORDERED** that Plaintiff is **DIRECTED** to submit a judgment calculating the prejudgment interest and taxable costs on or before November 7, 2011.

Dated: October 25, 2011

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Darrin C Darga, at 1175 Larke Avenue, P.O. Box 454, Rogers City, MI 49779 by first class U.S. mail on October 25, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS